

either with or without reinspection, appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection and grading to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. Whenever an appeal shall be taken or a dispute referred to the Secretary of Agriculture under this chapter, he shall charge and assess, and cause to be collected, a reasonable fee, in amount to be fixed by him, which fee, in case of an appeal, shall be refunded if the appeal is sustained. All such fees, not so refunded, shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, signed by him or by such officer or officers, agent or agents, of the Department of Agriculture as he may designate, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings. (Aug. 11, 1916, c. 313, Part B, § 6, 39 Stat. 484.)

§ 79. License to inspect and grade; State inspectors. The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent, to inspect and grade grain and to certificate the grade thereof for shipment or delivery for shipment in interstate or foreign commerce, under this chapter and the rules and regulations prescribed thereunder. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, partnership, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for shipment or delivery for shipment in interstate or foreign commerce, which has been inspected or graded by him, or by any person acting under his authority, is of one of the grades of the official grain standards of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has, or which may hereafter have a State grain inspection department established by the laws of such State, the Secretary of Agriculture shall issue licenses to the persons duly authorized and employed to inspect and grade grain under the laws of such State. (Aug. 11, 1916, c. 313, Part B, § 7, 39 Stat. 484.)

§ 80. Revocation and suspension of license. The Secretary of Agriculture may suspend or revoke any license issued by him under this chapter whenever, after opportunity for hearing has been given to the licensee, the Secretary shall determine that such licensee is incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this chapter, or has issued any false certificate of grade, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has violated any provision of this chapter or of the rules and regulations made thereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. (Aug. 11, 1916, c. 313, Part B, § 7, 39 Stat. 484.)

§ 81. Disqualification to act as inspector or departmental agent. No person licensed by the Secretary of Agriculture to inspect or grade grain or employed by him in carrying out any of the provisions of this chapter shall, during the term of such license or employment, be interested, financially or otherwise, directly or indirectly, in any grain elevator or warehouse, or in the merchandising of grain, nor shall he be in the employment of any person or corporation owning or operating any grain elevator or warehouse. (Aug. 11, 1916, c. 313, Part B, § 7, 39 Stat. 484.)

§ 82. Records and reports by inspectors. The Secretary of Agriculture shall require every inspector licensed under this chapter to keep complete and correct records of all grain graded and inspected by him and to make reports to the Secretary of Agriculture, in such forms and at such times as he may require, showing the place of inspection, the date of inspection, the name of the elevator or warehouse, if any, to which the grain was delivered or from which it was shipped, the kind of grain, the quantity of each kind, the grade thereof, and such other information as the Secretary of Agriculture may deem necessary. (Aug. 11, 1916, c. 313, Part B, § 7, 39 Stat. 484.)

§ 83. Semiannual reports by Secretary. The Secretary of Agriculture, on each first Tuesday in January and each first Tuesday in July of each year shall make publication of a summary of such facts as are ascertained, showing in as great detail as possible all the facts, including a summary as to the amount and grade of grain delivered to any elevator or warehouse and the amount and grade of grain delivered from such elevator or warehouse, and the estimated amount received on sample or type by such elevator or warehouse, and the estimated amount delivered therefrom on sample or type. (Aug. 11, 1916, c. 313, Part B, § 7, 39 Stat. 484.)

§ 84. Adoption by Secretary of rules and regulations generally. The Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this chapter. (Aug. 11, 1916, c. 313, Part B, § 8, 39 Stat. 485.)

§ 85. Violations generally; punishment. Any person who shall knowingly violate any of the provisions of sections 76 or 79 to 83, inclusive, of this chapter, or any inspector licensed under this chapter who shall knowingly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly give any false certificate of grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$1,000, or be imprisoned not more than one year, or both. (Aug. 11, 1916, c. 313, Part B, § 9, 39 Stat. 485.)

§ 86. Interference with execution of official duties; punishment. Every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this chapter or the rules and regulations made thereunder shall, upon conviction thereof, be fined not more than \$1,000, or be imprisoned not more than one year, or both. (Aug. 11, 1916, c. 313, Part B, § 10, 39 Stat. 485.)

§ 87. Effect of partial invalidity of chapter. If any clause, sentence, paragraph, or part of this chapter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Aug. 11, 1916, c. 313, Part B, § 11, 39 Stat. 485.)

Chapter 4.—NAVAL STORES ACT

Sec.

91. Short title of chapter.
92. Definitions.
93. Establishment of official naval stores standards.
94. Supplying duplicates of standards; examination, etc., of naval stores and certification thereof.
95. Prohibition of acts deemed injurious to commerce in naval stores.
96. Punishment for violation of prohibition.
97. Purchase and analysis by Secretary of samples of spirits of turpentine to detect violations; reports to Department of Justice; publication of results of analysis, etc.

Sec.

98. Appropriation for and expenses in enforcement of chapter.

99. Effect of partial invalidity of chapter.

Section 91. Short title of chapter. For convenience of reference, this chapter may be designated and cited as "The Naval Stores Act." (Mar. 3, 1923, c. 217, § 1, 42 Stat. 1435.)

§ 92. Definitions. When used in this chapter—

(a) "Naval stores" means spirits of turpentine and rosin.

(b) "Spirits of turpentine" includes gum spirits of turpentine and wood turpentine.

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

(d) "Wood turpentine" includes steam distilled wood turpentine and destructively distilled wood turpentine.

(e) "Steam distilled wood turpentine" means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

(f) "Destructively distilled wood turpentine" means wood turpentine obtained in the destructive distillation of the wood.

(g) "Rosin" includes gum rosin and wood rosin.

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

(i) "Wood rosin" means rosin remaining after the distillation of steam distilled wood turpentine.

(j) "Package" means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

(k) "Person" includes partnerships, associations, and corporations, as well as individuals.

(l) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia. (Mar. 3, 1923, c. 217, § 2, 42 Stat. 1435.)

§ 93. Establishment of official naval stores standards. For the purposes of this chapter the kinds of spirits of turpentine defined in subdivisions (c), (e), and (f) of section 92 hereof and the rosin types, prepared, prior to March 3, 1923, and recommended under existing laws, by or under authority of the Secretary of Agriculture, are hereby made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least three months' notice of the proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same. No such standard shall become effective until after three months from the date of the promulgation thereof. Any standard made by this chapter or established and promulgated by the Secretary of Agriculture in accordance therewith may be modified by said Secretary whenever, for reasons and causes deemed by him sufficient, the interests of the trade shall so require, after at least six months' notice of the proposed modifications shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same; and no such modification so made shall become effective until after six months from the date when made.

The various grades of rosin, from highest to lowest, shall be designated, unless and until changed, as hereinbefore provided, by the following letters, respectively: X, WW, WG, N, M, K, I, H, G, F, E, D, and B, together with the designation "gum rosin" or "wood rosin", as the case may be.

The standards herein made and authorized to be made shall be known as the "Official Naval Stores Standards of the United States", and may be referred to by the abbreviated expression "United States

Standards", and shall be the standards by which all naval stores in commerce shall be graded and described. (Mar. 3, 1923, c. 217, § 3, 42 Stat. 1435.)

§ 94. Supplying duplicates of standards; examination, etc., of naval stores and certification thereof. The Secretary of Agriculture shall provide, if practicable, any interested persons with duplicates of the official naval stores standards of the United States upon request accompanied by tender of satisfactory security for the return thereof, under such regulations as he may prescribe. The Secretary of Agriculture shall examine, if practicable, upon request of any interested person, any naval stores and shall analyze, classify, or grade the same on tender of the cost thereof as required by him, under such regulations as he may prescribe. He shall furnish a certificate showing the analysis, classification, or grade of such naval stores, which certificate shall be prima facie evidence of the analysis, classification, or grade of such naval stores and of the contents of any package from which the same may have been taken, as well as of the correctness of such analysis, classification, or grade and shall be admissible as such in any court. (Mar. 3, 1923, c. 217, § 4, 42 Stat. 1436.)

§ 95. Prohibition of acts deemed injurious to commerce in naval stores. The following acts are hereby declared injurious to commerce in naval stores and are hereby prohibited and made unlawful:

(a) The sale in commerce of any naval stores, or of anything offered as such, except under or by reference to United States standards.

(b) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

(c) The use in commerce of the word "turpentine" or the word "rosin", singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter, or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for sale, advertising, or shipping anything other than naval stores of the United States standards.

(d) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such. (Mar. 3, 1923, c. 217, § 5, 42 Stat. 1436.)

§ 96. Punishment for violation of prohibition. Any person willfully violating any provision of section 95 of this chapter shall, on conviction, be punished for each offense by a fine not exceeding \$5,000 or by imprisonment for not exceeding one year, or both. (Mar. 3, 1923, c. 217, § 6, 42 Stat. 1436.)

§ 97. Purchase and analysis by Secretary of samples of spirits of turpentine to detect violations; reports to Department of Justice; publication of results of analysis, etc. The Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this chapter. He shall report to the Department of Justice for appropriate action any violation of this chapter coming to his knowledge. He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this chapter. (Mar. 3, 1923, c. 217, § 7, 42 Stat. 1436.)

§ 98. Appropriation for and expenses in enforcement of chapter. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the administration and enforcement of this chapter, and within the limits of such sums the Secretary of Agriculture is authorized to employ such persons and means and make such expenditures for printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel and

supplies, and all other expenses as shall be necessary in the District of Columbia and elsewhere. (Mar. 3, 1923, c. 217, § 8, 42 Stat. 1436.)

§ 99. Effect of partial invalidity of chapter. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby. (Mar. 3, 1923, c. 217, § 9, 42 Stat. 1437.)

Chapter 5.—IMPORTATION OF ADULTERATED SEEDS ACT

Sec.

- 111. General prohibition against importation; exceptions.
- 112. When seed deemed adulterated.
- 113. When seed deemed unfit for seeding.
- 114. Violations of chapter; punishment; sale of seeds imported for manufacture.
- 115. Alfalfa or red clover; importation regulated.
- 116. Misbranded seed; confiscation.

Section 111. General prohibition against importation; exceptions. The importation into the United States of seeds of alfalfa, barley, Canadian blue grass, Kentucky blue grass, awnless brome grass, buckwheat, clover, field corn, Kafir corn, meadow fescue, flax, millet, oats, orchard grass, rape, rye, sorghum, timothy, vetch, rye grass, and wheat, or mixtures of seeds containing any of such seeds as one of the principal component parts, which are adulterated or unfit for seeding purposes under the terms of this chapter, is hereby prohibited; and the Secretary of the Treasury and the Secretary of Agriculture shall, jointly or severally, make such rules and regulations as will prevent the importation of such seeds into the United States: *Provided, however,* That such seed may be delivered to the owner or consignee thereof under bond, to be released in accordance with and subject to such regulations as the Secretary of the Treasury may prescribe, and when cleaned to the standard of purity specified in this chapter for admission into the United States such seed may be released to the owner or consignee thereof after the screenings and other refuse removed from such seed shall have been disposed of in a manner prescribed by the Secretary of Agriculture: *Provided further,* That this chapter shall not apply to the importation of barley, buckwheat, field corn, Kafir corn, sorghum, flax, broomcorn millet, early fortune millet, oats, rye, or wheat not intended for seeding purposes, when shipped in bond through the United States or imported for the purpose of manufacture. (Aug. 24, 1912, c. 382, § 1, 37 Stat. 506; Aug. 11, 1916, c. 313, 39 Stat. 453; Apr. 26, 1926, c. 186, § 1, 44 Stat. 325.)

§ 112. When seed deemed adulterated. Seed shall be considered adulterated within the meaning of this chapter—

First. When seed of red clover contains more than 2 per centum by weight of seed of yellow trefoil or any other seed of similar appearance to and of lower market value than seed of red clover.

Second. When seed of alfalfa contains more than 3 per centum by weight of seed of yellow trefoil, burr clover, and sweet clover, singly or combined.

Third. When any kind or variety of the seeds, or any mixture described in section 111 of this chapter, contains more than 5 per centum by weight of seed of another kind or variety of lower market value and of similar appearance: *Provided,* That the mixture of the seed of white and alsike clover, red and alsike clover, or alsike clover and timothy, shall not be deemed an adulteration under this section. (Aug. 24, 1912, c. 382, § 2, 37 Stat. 507.)

§ 113. When seed deemed unfit for seeding. Seed shall be considered unfit for seeding purposes within the meaning of this chapter—

First. When any kind or variety of clover or alfalfa seed contains more than one seed of dodder to 5 grams of clover or alfalfa seed, respectively.

Second. When any kind or variety of the seeds or any mixture described in section 111 of this chapter

contains more than 3 per centum by weight of seeds of weeds.

Third. When any kind or variety or mixture of the seeds described in section 111 of this chapter contains less than 65 per centum of live pure seed as distinguished from dead seed, chaff, dirt, other seeds, or foreign matter: *Provided, however,* That seed of Kentucky bluegrass and seed of Canada bluegrass shall not be considered unfit for seeding purposes when they contain 50 per centum or more of live pure seed. (Aug. 24, 1912, c. 382, § 3, 37 Stat. 507; Aug. 11, 1916, c. 313, 39 Stat. 453.)

§ 114. Violations of chapter; punishment; sale of seed imported for manufacture.—Any person or persons who shall knowingly violate the provisions of this chapter shall be deemed guilty of a misdemeanor and shall pay a fine of not exceeding \$500 and not less than \$200: *Provided,* That any person or persons who shall knowingly sell for seeding purposes seeds or grain which were imported under the provisions of this chapter for the purpose of manufacture shall be deemed guilty of a violation of this chapter. (Aug. 24, 1912, c. 382, § 4, 37 Stat. 507.)

§ 115. Alfalfa or red clover; importation regulated. (a) On and after May 26, 1926, the importation into the United States of seeds of alfalfa or red clover, or any mixture of seed containing 10 per centum or more of the seeds of alfalfa and/or red clover, is prohibited unless such seeds are colored in such manner and to such extent as the Secretary of Agriculture may prescribe and, when practicable, the color used shall indicate the country or region of origin.

(b) Whenever the Secretary of Agriculture, after public hearing, determines that seeds of alfalfa or red clover from any foreign country or region are not adapted for general agricultural use in the United States he shall publish such determination. On and after the expiration of ninety days after the date of such publication and until such determination is revoked the importation into the United States of any of such seeds, or of any mixture of seeds containing 10 per centum or more of such seeds of alfalfa and/or red clover, is prohibited, unless at least 10 per centum of the seeds in each container is stained a red color, in accordance with such regulations as the Secretary of Agriculture may prescribe.

(c) The Secretary of the Treasury and the Secretary of Agriculture shall jointly prescribe such rules and regulations as may be necessary to prevent the importation into the United States of any seeds the importation of which is prohibited.

(d) Subdivision (a) of this section shall become effective upon the expiration of thirty days after April 26, 1926. (Aug. 24, 1912, c. 382, § 5; Apr. 26, 1926, c. 186, § 2, 44 Stat. 325.)

§ 116. Misbranded seed; confiscation. (a) No person shall transport, deliver for transportation, sell, or offer for sale, in interstate commerce, any seed which is misbranded within the meaning of this section; except that this section shall not apply to any common carrier in respect of any seed transported or delivered for transportation in the ordinary course of its business as a common carrier.

(b) Any misbranded seed shall be liable to be proceeded against in the district court of the United States for any judicial district in which it is found, and to be seized for confiscation by a process of libel for condemnation, if such seed is being—

- (1) Transported in interstate commerce; or
- (2) Held for sale or exchange after having been so transported.

(c) If such seed is condemned by the court as misbranded, it shall be disposed of in the discretion of the court—

- (1) By sale; or
- (2) By delivery to the owner thereof upon the payment of the legal costs and charges, and the execution and delivery of a good and sufficient bond to the effect that such seed will not be sold or disposed of in any jurisdiction contrary to the provisions of this chapter or the laws of such jurisdiction; or
- (3) By destruction.